

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JULIE DELANEY,  
Plaintiff

v.

CA. No. 1:05-cv-10241-MLW

ELI LIILY AND COMPANY,  
Defendants

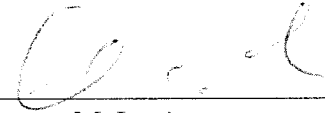
**ATTORNEY'S AFFIDAVIT TO SHOW CASE**

I, Aaron M. Levine, state as follows:

1. I am lead counsel for plaintiff in the above-referenced matter.
2. I am a member in good standing of the Bar of the District of Columbia, the United States District Court for the District of Columbia and the United States Court of Appeals.
3. Attorneys Kenneth M. Levine and Sheila E. Mone have acted as local counsel on my behalf in several cases involving DES exposure pending in the United States District Court.
4. Prior to the Scheduling Conference of April 22, 2005, I have never been advised nor have I ever been aware that my attendance at a Scheduling Conference was required.
5. After reviewing the Notice of Scheduling Conference dated March 10, 2005 and in preparation for the Scheduling Conference of April 22, 2005, I was advised by Attorney Kenneth Levine that my presence was not required pursuant to the Local Rules. (See Attorney's Affidavit attached hereto).
8. I was further advised by Attorney Levine that Attorney Mone would be attending the Scheduling Conference. (See Attorney's Affidavit attached hereto).
9. I consider all court appearances to be of the utmost importance and will in the future adhere to the language of any court notice.

It is respectfully requested that sanctions not be imposed for my failure to appear at the April 22, 2005 Scheduling Conference.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 9th DAY  
OF MAY 2005.

  
\_\_\_\_\_  
Aaron M. Levine

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JULIE DELANEY  
Plaintiff

v.

CA. No. 1:05-cv-10241-MLW

ELI LILLY AND COMPANY,  
Defendants

**ATTORNEY'S AFFIDAVIT**

I, Kenneth M. Levine, hereby state as follows:

1. I am local counsel for plaintiff in the above-referenced matter.
2. I was admitted to practice as a member of Bar of the Commonwealth of Massachusetts in 1981 and was admitted to practice in the United States District Court, District of Massachusetts in 1989.
3. I have acted as both lead counsel and local counsel in the United States District Court in the past.
4. I am familiar with the Local Rules of the United States District Court as well as the Federal Rules of Civil Procedure.
4. I have attended numerous scheduling conferences as local counsel and as lead counsel.
5. I am local counsel for Attorney Aaron Levine on several cases concerning exposure to DES pending in the United States District Court, District of Massachusetts.
6. Prior to the Scheduling Conference of April 22, 2005, none of the United States District Court Judges required attendance of Aaron Levine at the scheduling conference.
7. After reviewing the Notice of Scheduling Conference dated March 10, 2005 and in preparation for the Scheduling Conference of April 22, 2005, I advised Aaron Levine that his presence was not required pursuant to the Local Rules.

8. I further advised Attorney Levine that Attorney Mone, who is also local counsel for Attorney Levine, would be attending the Scheduling Conference.
9. I have since re-reviewed the Notice of Scheduling Conference dated March 20, 2005 and am aware of my oversight and error in not having Aaron Levine present.
10. I consider all court appearances to be of the utmost importance and apologize to the Court for the failure to advise Attorney Levine that his appearance was required.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 9<sup>TH</sup>  
DAY OF MAY, 2005.



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Kenneth M. Levine